

1 AN ACT concerning wildlife.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Wildlife Code is amended by changing  
5 Sections 2.10, 2.11, 2.26, and 3.1 and by adding Section 3.1-5  
6 as follows:

7 (520 ILCS 5/2.10) (from Ch. 61, par. 2.10)

8 Sec. 2.10. The Department may, on an annual basis,  
9 establish a spring wild turkey open season within the period  
10 beginning on March 1 and running through May 31, and a fall  
11 wild turkey season within the period beginning on October 1 and  
12 running through January 31. It shall be unlawful for any person  
13 to take wild turkey without possessing a valid "Wild Turkey  
14 Hunting Permit", except as provided in Section 3.1-5 of this  
15 Code. Persons holding a spring permit may take female wild  
16 turkeys with visible beards or male wild turkeys during the  
17 spring open season. Persons holding a fall permit may take  
18 turkeys of either sex during the fall open season. The  
19 Department shall cause notice of administrative rules setting  
20 forth the prescribed rules and regulations, including those  
21 counties of the State where open seasons are established, to be  
22 given in accordance with Sections 1.3 and 1.13.

23 (Source: P.A. 89-341, eff. 8-17-95.)

24 (520 ILCS 5/2.11) (from Ch. 61, par. 2.11)

25 Sec. 2.11. Before any person may lawfully hunt wild turkey,  
26 he shall first obtain a "Wild Turkey Hunting Permit", except as  
27 provided in Section 3.1-5 of this Code, in accordance with the  
28 prescribed regulations set forth in an administrative rule of  
29 the Department. The fee for a Resident Wild Turkey Hunting  
30 Permit shall not exceed \$15.

31 Upon submitting suitable evidence of legal residence in any

1 other state, non-residents shall be charged a fee not to exceed  
2 \$125 for wild turkey hunting permits, except as provided below  
3 for non-resident land owners.

4 Permits shall be issued without charge to:

5 (a) Illinois landowners residing in Illinois who own at  
6 least 40 acres of Illinois land and wish to hunt on their  
7 land only,

8 (b) resident tenants of at least 40 acres of commercial  
9 agricultural land, and

10 (c) shareholders of a corporation which owns at least  
11 40 acres of land in a county in Illinois who wish to hunt  
12 on the corporation's land only. One permit shall be issued  
13 without charge to one shareholder for each 40 acres of land  
14 owned by the corporation in a county; however, the number  
15 of permits issued without charge to shareholders of any  
16 corporation in any county shall not exceed 15.

17 The turkey hunting permit issued without fee shall be valid  
18 on all lands upon which the person to whom it is issued owns,  
19 leases or rents, except that in the case of a permit issued  
20 without charge to a shareholder of a corporation, the permit  
21 shall be valid on all lands owned by the corporation in the  
22 county.

23 The Department may by administrative rule allocate and  
24 issue non-resident Wild Turkey Permits and establish fees for  
25 such permits.

26 It shall be unlawful to take wild turkey except by use of a  
27 bow and arrow or a shotgun of not larger than 10 nor smaller  
28 than 20 gauge with shot size not larger than No. 4, and no  
29 person while attempting to so take wild turkey may have in his  
30 possession any other gun.

31 It shall be unlawful to take, or attempt to take wild  
32 turkey except during the time from 1/2 hour before sunrise to  
33 1/2 hour after sunset or during such lesser period of time as  
34 may be specified by administrative rule, during those days for  
35 which an open season is established.

36 It shall be unlawful for any person to take, or attempt to

1 take, wild turkey by use of dogs, horses, automobiles, aircraft  
2 or other vehicles, or conveyances, or by the use of bait of any  
3 kind.

4 It is unlawful for any person to take in Illinois or have  
5 in his possession more than one wild turkey per valid permit.

6 (Source: P.A. 92-177, eff. 7-27-01.)

7 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

8 Sec. 2.26. Deer hunting permits. In this Section, "bona  
9 fide equity shareholder" means an individual who (1) purchased,  
10 for market price, publicly sold stock shares in a corporation,  
11 purchased shares of a privately-held corporation for a value  
12 equal to the percentage of the appraised value of the corporate  
13 assets represented by the ownership in the corporation, or is a  
14 member of a closely-held family-owned corporation and has  
15 purchased or been gifted with shares of stock in the  
16 corporation accurately reflecting his or her percentage of  
17 ownership and (2) intends to retain the ownership of the shares  
18 of stock for at least 5 years.

19 In this Section, "bona fide equity member" means an  
20 individual who (1) (i) became a member upon the formation of  
21 the limited liability company or (ii) has purchased a  
22 distributional interest in a limited liability company for a  
23 value equal to the percentage of the appraised value of the LLC  
24 assets represented by the distributional interest in the LLC  
25 and subsequently becomes a member of the company pursuant to  
26 Article 30 of the Limited Liability Company Act and who (2)  
27 intends to retain the membership for at least 5 years.

28 In this Section, "bona fide equity partner" means an  
29 individual who (1) (i) became a partner, either general or  
30 limited, upon the formation of a partnership or limited  
31 partnership, or (ii) has purchased, acquired, or been gifted a  
32 partnership interest accurately representing his or her  
33 percentage distributional interest in the profits, losses, and  
34 assets of a partnership or limited partnership, (2) intends to  
35 retain ownership of the partnership interest for at least 5

1 years, and (3) is a resident of Illinois.

2 Any person attempting to take deer shall first obtain a  
3 "Deer Hunting Permit", except as provided in Section 3.1-5 of  
4 this Code, in accordance with prescribed regulations set forth  
5 in an Administrative Rule. Deer Hunting Permits shall be issued  
6 by the Department. The fee for a Deer Hunting Permit to take  
7 deer with either bow and arrow or gun shall not exceed \$15.00  
8 for residents of the State. The Department may by  
9 administrative rule provide for non-resident deer hunting  
10 permits for which the fee will not exceed \$300 in 2005, \$350 in  
11 2006, and \$400 in 2007 and thereafter except as provided below  
12 for non-resident landowners and non-resident archery hunters.  
13 The Department may by administrative rule provide for a  
14 non-resident archery deer permit consisting of not more than 2  
15 harvest tags at a total cost not to exceed \$325 in 2005, \$375  
16 in 2006, and \$425 in 2007 and thereafter. Permits shall be  
17 issued without charge to:

18 (a) Illinois landowners residing in Illinois who own at  
19 least 40 acres of Illinois land and wish to hunt their land  
20 only,

21 (b) resident tenants of at least 40 acres of commercial  
22 agricultural land where they will hunt, and

23 (c) Bona fide equity shareholders of a corporation,  
24 bona fide equity members of a limited liability company, or  
25 bona fide equity partners of a general or limited  
26 partnership which owns at least 40 acres of land in a  
27 county in Illinois who wish to hunt on the corporation's,  
28 company's, or partnership's land only. One permit shall be  
29 issued without charge to one bona fide equity shareholder,  
30 one bona fide equity member, or one bona fide equity  
31 partner for each 40 acres of land owned by the corporation,  
32 company, or partnership in a county; however, the number of  
33 permits issued without charge to bona fide equity  
34 shareholders of any corporation or bona fide equity members  
35 of a limited liability company in any county shall not  
36 exceed 15, and shall not exceed 3 in the case of bona fide

1 equity partners of a partnership.

2 Bona fide landowners or tenants who do not wish to hunt  
3 only on the land they own, rent, or lease or bona fide equity  
4 shareholders, bona fide equity members, or bona fide equity  
5 partners who do not wish to hunt only on the land owned by the  
6 corporation, limited liability company, or partnership shall  
7 be charged the same fee as the applicant who is not a  
8 landowner, tenant, bona fide equity shareholder, bona fide  
9 equity member, or bona fide equity partner. Nonresidents of  
10 Illinois who own at least 40 acres of land and wish to hunt on  
11 their land only shall be charged a fee set by administrative  
12 rule. The method for obtaining these permits shall be  
13 prescribed by administrative rule.

14 The deer hunting permit issued without fee shall be valid  
15 on all farm lands which the person to whom it is issued owns,  
16 leases or rents, except that in the case of a permit issued to  
17 a bona fide equity shareholder, bona fide equity member, or  
18 bona fide equity partner, the permit shall be valid on all  
19 lands owned by the corporation, limited liability company, or  
20 partnership in the county.

21 The standards and specifications for use of guns and bow  
22 and arrow for deer hunting shall be established by  
23 administrative rule.

24 No person may have in his possession any firearm not  
25 authorized by administrative rule for a specific hunting season  
26 when taking deer.

27 Persons having a firearm deer hunting permit shall be  
28 permitted to take deer only during the period from 1/2 hour  
29 before sunrise to sunset, and only during those days for which  
30 an open season is established for the taking of deer by use of  
31 shotgun, handgun, or muzzle loading rifle.

32 Persons having an archery deer hunting permit shall be  
33 permitted to take deer only during the period from 1/2 hour  
34 before sunrise to 1/2 hour after sunset, and only during those  
35 days for which an open season is established for the taking of  
36 deer by use of bow and arrow.

1           It shall be unlawful for any person to take deer by use of  
2 dogs, horses, automobiles, aircraft or other vehicles, or by  
3 the use of salt or bait of any kind. An area is considered as  
4 baited during the presence of and for 10 consecutive days  
5 following the removal of bait. Nothing in this Section shall  
6 prohibit the use of a dog to track wounded deer. Any person  
7 using a dog for tracking wounded deer must maintain physical  
8 control of the dog at all times by means of a maximum 50 foot  
9 lead attached to the dog's collar or harness. Tracking wounded  
10 deer is permissible at night, but at no time outside of legal  
11 deer hunting hours or seasons shall any person handling or  
12 accompanying a dog being used for tracking wounded deer be in  
13 possession of any firearm or archery device. Persons tracking  
14 wounded deer with a dog during the firearm deer seasons shall  
15 wear blaze orange as required. Dog handlers tracking wounded  
16 deer with a dog are exempt from hunting license and deer permit  
17 requirements so long as they are accompanied by the licensed  
18 deer hunter who wounded the deer.

19           It shall be unlawful to possess or transport any wild deer  
20 which has been injured or killed in any manner upon a public  
21 highway or public right-of-way of this State unless exempted by  
22 administrative rule.

23           Persons hunting deer must have gun unloaded and no bow and  
24 arrow device shall be carried with the arrow in the nocked  
25 position during hours when deer hunting is unlawful.

26           It shall be unlawful for any person, having taken the legal  
27 limit of deer by gun, to further participate with gun in any  
28 deer hunting party.

29           It shall be unlawful for any person, having taken the legal  
30 limit of deer by bow and arrow, to further participate with bow  
31 and arrow in any deer hunting party.

32           The Department may prohibit upland game hunting during the  
33 gun deer season by administrative rule.

34           The Department shall not limit the number of non-resident  
35 either sex archery deer hunting permits to less than 20,000.

36           It shall be legal for handicapped persons, as defined in

1 Section 2.33, to utilize a crossbow device, as defined in  
2 Department rules, to take deer.

3 Any person who violates any of the provisions of this  
4 Section, including administrative rules, shall be guilty of a  
5 Class B misdemeanor.

6 (Source: P.A. 93-554, eff. 8-20-03; 93-807, eff. 7-24-04;  
7 93-823, eff. 1-1-05; 94-10, eff. 6-7-05.)

8 (520 ILCS 5/3.1) (from Ch. 61, par. 3.1)

9 Sec. 3.1. License and stamps required.

10 (a) Before any person shall take or attempt to take any of  
11 the species protected by Section 2.2 for which an open season  
12 is established under this Act, he shall first have procured and  
13 possess a valid hunting license, except as provided in Section  
14 3.1-5 of this Code.

15 Before any person 16 years of age or older shall take or  
16 attempt to take any bird of the species defined as migratory  
17 waterfowl by Section 2.2, including coots, he shall first have  
18 procured a State Migratory Waterfowl Stamp.

19 Before any person 16 years of age or older takes, attempts  
20 to take, or pursues any species of wildlife protected by this  
21 Code, except migratory waterfowl, coots, and hand-reared birds  
22 on licensed game breeding and hunting preserve areas and state  
23 controlled pheasant hunting areas, he or she shall first obtain  
24 a State Habitat Stamp. Disabled veterans and former prisoners  
25 of war shall not be required to obtain State Habitat Stamps.  
26 Any person who obtained a lifetime license before January 1,  
27 1993, shall not be required to obtain State Habitat Stamps.  
28 Income from the sale of State Furbearer Stamps and State  
29 Pheasant Stamps received after the effective date of this  
30 amendatory Act of 1992 shall be deposited into the State  
31 Furbearer Fund and State Pheasant Fund, respectively.

32 Before any person 16 years of age or older shall take,  
33 attempt to take, or sell the green hide of any mammal of the  
34 species defined as fur-bearing mammals by Section 2.2 for which  
35 an open season is established under this Act, he shall first

1 have procured a State Habitat Stamp.

2 (b) Before any person who is a non-resident of the State of  
3 Illinois shall take or attempt to take any of the species  
4 protected by Section 2.2 for which an open season is  
5 established under this Act, he shall, unless specifically  
6 exempted by law, first procure a non-resident license as  
7 provided by this Act for the taking of any wild game.

8 Before a nonresident shall take or attempt to take  
9 white-tailed deer, he shall first have procured a Deer Hunting  
10 Permit as defined in Section 2.26 of this Code.

11 Before a nonresident shall take or attempt to take wild  
12 turkeys, he shall have procured a Wild Turkey Hunting Permit as  
13 defined in Section 2.11 of this Code.

14 (c) The owners residing on, or bona fide tenants of, farm  
15 lands and their children, parents, brothers, and sisters  
16 actually permanently residing on their lands shall have the  
17 right to hunt any of the species protected by Section 2.2 upon  
18 their lands and waters without procuring hunting licenses; but  
19 the hunting shall be done only during periods of time and with  
20 devices and by methods as are permitted by this Act. Any person  
21 on active duty with the Armed Forces of the United States who  
22 is now and who was at the time of entering the Armed Forces a  
23 resident of Illinois and who entered the Armed Forces from this  
24 State, and who is presently on ordinary leave from the Armed  
25 Forces, and any resident of Illinois who is disabled may hunt  
26 any of the species protected by Section 2.2 without procuring a  
27 hunting license, but the hunting shall be done only during such  
28 periods of time and with devices and by methods as are  
29 permitted by this Act. For the purpose of this Section a person  
30 is disabled when that person has a Type 1 or Type 4, Class 2  
31 disability as defined in Section 4A of the Illinois  
32 Identification Card Act. For purposes of this Section, an  
33 Illinois Disabled Person Identification Card issued pursuant  
34 to the Illinois Identification Card Act indicating that the  
35 person named has a Type 1 or Type 4, Class 2 disability shall  
36 be adequate documentation of the disability.

1 (d) A courtesy non-resident license, permit, or stamp for  
2 taking game may be issued at the discretion of the Director,  
3 without fee, to any person officially employed in the game and  
4 fish or conservation department of another state or of the  
5 United States who is within the State to assist or consult or  
6 cooperate with the Director; or to the officials of other  
7 states, the United States, foreign countries, or officers or  
8 representatives of conservation organizations or publications  
9 while in the State as guests of the Governor or Director. The  
10 Director may provide to nonresident participants and official  
11 gunners at field trials an exemption from licensure while  
12 participating in a field trial.

13 (e) State Migratory Waterfowl Stamps shall be required for  
14 those persons qualifying under subsections (c) and (d) who  
15 intend to hunt migratory waterfowl, including coots, to the  
16 extent that hunting licenses of the various types are  
17 authorized and required by this Section for those persons.

18 (f) Registration in the U.S. Fish and Wildlife Migratory  
19 Bird Harvest Information Program shall be required for those  
20 persons who are required to have a hunting license before  
21 taking or attempting to take any bird of the species defined as  
22 migratory game birds by Section 2.2, except that this  
23 subsection shall not apply to crows in this State or  
24 hand-reared birds on licensed game breeding and hunting  
25 preserve areas, for which an open season is established by this  
26 Act. Persons registering with the Program must carry proof of  
27 registration with them while migratory bird hunting.

28 The Department shall publish suitable prescribed  
29 regulations pertaining to registration by the migratory bird  
30 hunter in the U.S. Fish and Wildlife Service Migratory Bird  
31 Harvest Information Program.

32 (Source: P.A. 92-177, eff. 7-27-01.)

33 (520 ILCS 5/3.1-5 new)

34 Sec. 3.1-5. Apprentice hunter program. Beginning 90 days  
35 after the effective date of this amendatory Act of the 94th

1 General Assembly, the Department shall establish an apprentice  
2 hunter program authorizing a resident parent, guardian, or  
3 grandparent of a youth who is at least 10 years old and not  
4 more than 15 years old to apply to the Department for an  
5 Apprentice Hunter Permit when that resident applicant applies  
6 for any permit or hunting license under this Code. In order to  
7 be eligible for this Apprentice Hunter Permit the applicant  
8 must be a resident of Illinois, meet the requirements for  
9 obtaining the permit or license for which the applicant is  
10 applying, request an Apprentice Hunter Permit on a form  
11 designated and made available by the Department, and submit a  
12 \$7 fee, which is separate from and additional to any other  
13 stamp, permit, tag, or license fee required under this Code.  
14 For approved applicants, the Department shall issue an  
15 Apprentice Hunter Permit that authorizes a designated son,  
16 daughter, ward, or grandchild of the permit holder to exercise  
17 the same hunting privileges as the permit holder when  
18 accompanying that permit holder on a supervised hunt. The  
19 Department shall adopt suitable administrative rules that are  
20 reasonable and necessary for the administration of the program,  
21 but shall not require any certificate of competency or other  
22 hunting education as a condition of the Apprentice Hunter  
23 Permit.